

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT ABINGDON, VA  
FILED

MAY 22 2006

JOHN F. CORCORAN, CLERK  
BY:  DEPUTY CLERK

EAST TENNESSEE NATURAL GAS, LLC, )  
)  
Plaintiff, )  
)  
v. )  
)  
2.73 ACRES IN TAZEWELL COUNTY, )  
VIRGINIA, VIRGINIA HOLDING )  
CORPORATION and UNKNOWN OWNERS, )  
)  
Defendants )

Civil Action No.  
1:06-cv-00036

**ORDER**

This case was referred pursuant to 28 U.S.C. § 636(b)(1)(B) to the Honorable Pamela Meade Sargent, United States Magistrate Judge. The Magistrate Judge has filed a report recommending that the Court bifurcate the proceedings regarding the plaintiff's right to condemn and motion for immediate possession from the just compensation proceedings, finding that the plaintiff has a right under the Natural Gas Act to condemn the property at issue and granting the plaintiff's motion for immediate possession in this case. Objections to the report and recommendation have been filed, and the court, upon *de novo* review of the record, is of the opinion that the report should be adopted with regard to the above-styled case. It is, accordingly,

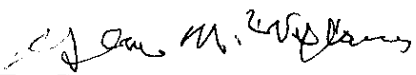
**ADJUDGED and ORDERED**

that the Magistrate Judge's report and recommendation be **ADOPTED** with regard to the above-styled case.

It is **FURTHER ORDERED** that East Tennessee Natural Gas, LLC, ("ETNG"), is granted a preliminary injunction against the above-named defendants allowing ETNG to take immediate possession and use of an easement and right-of-way "to construct, operate, and maintain" the Jewell Ridge Lateral Pipeline Project and for the location of the "equipment necessary to the proper operation of such pipe line" as approved by the Federal Energy Regulatory Commission's February 8, 2006, Certificate of Public Convenience and Necessity and as specifically identified in the complaint and the attachments to the complaint filed in this case.

The Clerk is directed to send certified copies of this Order to all counsel of record.

**ENTER:** This the 22<sup>nd</sup> day of May, 2006.

  
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SENIOR UNITED STATES DISTRICT JUDGE